

# Initial Client Issues

---

Grant Gibbons

Circuit Public Defender

Second Judicial Circuit

## 1. KEEPING GOOD CLIENT RELATIONSHIPS

a. RETURN PHONE CALLS

b. KEEP INFORMATION FLOWING

c. HONESTY

Don't promise what you can't deliver

Qualify advice that depends solely on client's story

If you say you will do something, DO IT!

d. FAMILY DYNAMICS

Mothers, wives, and children can wield amazing power with a client

e. PROFESSIONAL DISTANCE AND RESPECT

Avoid first names for both client and yourself

f. GOING THE EXTRA MILE

AFTER-HOURS VISITS

WEEKEND VISITS

MEETINGS WITH FAMILIES

## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

GET TO KNOW A LITTLE ABOUT YOUR CLIENT BEFORE JUMPING INTO THE CASE

WORK HISTORY

MILITARY HISTORY

EDUCATION LEVEL

BIGGEST CONCERN ASSOCIATED WITH THE CHARGE

FAMILY

TIME

JOB

COLLATERAL CONSEQUENCES



## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

PRIOR TO HEARING HIS/HER STORY, EXPLAIN DANGERS OF CHANGING THE STORY LATER

### GENERAL VERSUS SPECIFIC DISCUSSIONS

EXPLAIN USUAL TIMING OF EVENTS – DISCOVERY DELAYS, ETC.

GO OVER CHARGES AND POTENTIAL SENTENCES

REVIEW POSSIBLE LESSER INCLUDED CHARGES

WARN ABOUT ANY POSSIBLE ENHANCEMENTS

EXPLAIN THE POSSIBILITY OF THE “TRIAL PENALTY.”

## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

LISTENING – PAY GENUINE ATTENTION – BUILD SOME RESPECT

FAMILY COMMUNICATIONS – Who can I speak with?

### ROLES OF ATTORNEY/CLIENT

Let the client know up front which decisions are completely his/hers.

You can't be a therapist or a cheerleader.

## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

#### PRELIMINARY HEARING –

EXPLAIN WHAT PRELIMINARY HEARINGS ARE, AS WELL AS WHAT THEY ARE NOT.

IS IT IN CLIENT'S BEST INTEREST TO HAVE ONE?

PUBLICITY

DISCLOSE DEFENSES

WEAKNESSES OF STATE'S CASE BECOME APPARENT



## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

#### BOND ISSUES

WHAT IS THE BOND AMOUNT?

WHAT ARE THE CHANCES YOU CAN POST IT?

IF NOT, WHAT COULD YOU ARRANGE TO POST?

ARE THERE OTHER CONDITIONS?

## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

#### JAIL ISSUES

EXPLAIN THE DANGER OF COMMUNICATING OVER THE PHONE OR CONFIDING IN CELLMATES.

EXPLAIN THE PERILS OF JAILHOUSE LEGAL ADVICE

#### COPIES OF DISCOVERY MATERIAL

EXPLAIN THAT HAVING THIS IN DETENTION IS DANGEROUS

Jailhouse snitches with facts



## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

#### MENTAL HEALTH ISSUES

##### PRIOR HOSPITALIZATIONS

##### PRIOR DIAGNOSIS

##### MENTALLY ILL VERSUS INCOMPETENT

##### MITIGATION

##### DEFENSE

##### STATE EVALUATION VERSUS PRIVATE

## PRELIMINARY ISSUES

### 1<sup>ST</sup> MEETING

#### CONFLICTS

ARE THERE CODEFENDANTS?

DO YOU HAVE A CONFLICT?

WHO ARE KNOWN VICTIMS/WITNESSES?

DO THEY CONSTITUTE A CONFLICT?

#### INVESTIGATION

CLIENT

CLIENT'S FAMILY

## PRELIMINARY ISSUES

1<sup>ST</sup> MEETING

TIMING

SPEEDY TRIAL MOTION

EXPLAIN WHEN IT IS APPROPRIATE ALONG WITH CONSEQUENCES



IRRECONCILABLE DIFFERENCES

COMPLAINTS TO SUPERVISORS

GRIEVANCES

DOCUMENTATION, DOCUMENTATION, DOCUMENTATION  
RE-ASSIGN?

REQUESTS FOR NEW COUNSEL

MADE TO YOU  
MADE TO SUPERVISOR  
MADE TO THE COURT